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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,863	06/01/2000	Guy Nathan	871-80	4666
23117	7590	06/16/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/583,863	NATHAN ET AL.	
	Examiner	Art Unit	
	Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 January 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 01/19/2005 have been fully considered but they are not persuasive.

Applicant argues Nathan does not disclose a process for receiving files including processing each new file received on a storage by a specific reception function, as required by claim 1. This feature allows, for example, processing each file differently depending on the type of data contained in the file. Applicant further argues Nathan fails to teach or suggest that a specific reception function is searched and located by a specified information representative of the type of data contained in the file.

In response, the Examiner respectfully disagrees with Applicant because Nathan discloses audiovisual files comprising specified information (record's field) representative of the type of data contained in the file (see Fig. 6, el. 1613 permet de connaitre la categories a savoir jazz, classique, variete, etc...page 21, lines 14-15).

Limitation "a specific reception function" is searched and located each new file received on a storage by a specified information representative of the type of data contained in the file, this reads on Nathan's Database management system because DBMS is a software interface between the database and the user in which the DBMS handles performs database actions, i.e., search, update, retrieve, of the database 's records (audiovisual files) of the database stored on the storage by the record 's fields (specified information ) representative of the type of data contained in the record

(...effectuer les mises a jour des base de donnees ou de version de chanson souhaitées; page 25, lines 18-20).

Applicant further argues, Nathan does not disclose that the corresponding reception function comprises in its processing the process of copying of the file received to a specified storage area.

In response, the Examiner respectfully disagrees because Nathan' s Database management system inherently comprises the claimed function "reception function" so to perform the process of copying of the file received to a specified storage area, as discussed above.

Applicant further argues, the claimed method does not need, for example, a specific temporary storage area for receiving data from the server.

In response, it is noted that the features upon which applicant relies (i.e., the claimed method does not need, for example, a specific temporary storage area for receiving data from the server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Claim 2, applicant further argues Nathan does not disclose a process for receiving files including opening a file in any permanent memory with an available area of a specified minimum value in order to write the data sent.

In response, the Examiner respectfully disagrees with Applicant because Nathan discloses that the system must check ahead for space availability on the storage device before the system able to write to it (Si l'enregistrement d'une ou plusieurs chansons ou

video ou encore d'une parties de chanson ou video n'a pu etre fait faute de place suffisante sur le disque ou les moyens de stockage..., see page 25, lines 35-page 26, lines 8).

Claim 4, Applicant further argues, Nathan does not disclose a downloading process where a search step is activated when the last data packet corresponding to a whole file is stored in memory.

In response, the Examiner respectfully disagrees and cites (...ou enfin l'indication qu'il sagit d'un dernier bloc de transmission; page 23, lines 18-20). Accordingly, the system depends on this 3<sup>rd</sup> field (un troisieme champ 812) for determining the downloading process is complete or not so that the system is able to proceed to the next step, i.e., write the downloaded file to the database/disk drive or requests the server for retransmission (...Ceci permet au central de les reemettre; page 25, lines 28-34).

Claim 6, Applicant further argues Nathan does not discloses a step of updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold.

In response, the Examiner respectfully disagrees with applicant because in order to provide a message to the operator indicating the number of songs could not be downloaded/recorded to the system due to the size/capacity of the storage is not enough and permits the operator to decide to remove of certain song from the selected list or storage so the downloading/recording process (...le system...signale par un affichage...les numeros de chanson ou video qui n'ont pu etre enregistres faute de

place. Ceci permet au gerant apres avoir decide l'effacement de certaines chansons ou video du disque dur de redemander au central l'envoi de ces chanson ou video ou de la partie non recue ; page 26, lines 5-8), Nathan's system, in fact, performs a step of updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold.

For at least the reason set forth above, the rejection is maintained.

### ***Drawings***

Newly corrected drawings were received on 01/19/2005 have been approved by the examiner and recorded.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy Nathan et al. (WO 96/12257).

Claim 1, Guy Nathan discloses a method for receiving files sent by a central server to an audiovisual data reproduction system (jukebox 1) managed by an OS and linked to the server (41), using a data transfer link (Communication link between

jukebox and server through the “adaptateur de modem de telecommunications”;

page 10, lines 3-6), the process (Abstract) comprising:

initializing a link between the central server and an audiovisual data reproduction system (page 13, lines 12-26 and page 16, lines 1-15);

storing files, sent by the central server 41 on storage means 21 of the audiovisual data reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each file comprising specified information representative of the type of data contained in the file (each audiovisual file comprising specified information (record's field) representative of the type of data contained in the file (see Fig. 6, el. 1613 permet de connaitre la categories a savoir jazz, classique, variete, etc...page 21, lines 14-15 and see page 21, lines 4-page 22, lines 17);

“searching, for each file received, a specific reception function, this search step being carried out by means of the specified information representative of the type of data contained in the file” reads on Nathan's Database management system (a specific reception function) because DBMS is a software interface between the database and the user in which the DBMS handles performs database actions, i.e., search, update, retrieve,... of the database 's records (audiovisual files) of the database stored on the storage by the record 's fields (specified information ) representative of the type of data contained in the record (...effectuer les mises a jour des base de donnees ou de version de chanson souhaitees; page 25, lines 18-20).

"processing each file by the corresponding reception function, the processing comprising copying the file received to a specified storage area" reads on Nathan's Database management system inherently comprises the process of writing/copying of the file received to a specified storage area 21, as discussed above ("mises à jour des base de données" page 25, lines 18-23 and page 22, lines 18-27);

Claim 2, " wherein the storage step includes opening a file in any permanent memory with a available area of a specified minimum value, to write the data sent" is further met by Nathan because the system must check ahead for space availability on the storage device before the system able to write the received files to it (... si l'enregistrement d'une ou plusieurs chansons ou video ou encore d'une parties de chanson ou video n'a pu être fait faute de place suffisante sur le disque ou les moyens de stockage..., see page 25, lines 35-page 26, lines 8).

Claim 3, Guy Nathan further discloses wherein the processing step comprises updating of a database of the audiovisual data reproduction system (Jukebox) to account for the data contained in the file received (page 22, lines 23-27 and page 24, lines 8-24 and pages 25, lines 18-22);

Claim 4, Guy Nathan further discloses wherein the search step is activated when the last data packet (... ou enfin l'indication qu'il sagit d'un dernier bloc de

transmission; page 23, lines 18-20) corresponding to a whole file is stored in the memory (the system checks the status of the last received packets, i.e., "pas de detection derrieres; page 24, lines 8- page 25, lines 13); Accordingly, the system depends on this 3<sup>rd</sup> field (un troisieme champ 812) for determining the downloading process is complete or not so that the system is able to proceed to the next step, i.e., write the downloaded file to the database/disk drive or requests the server for retransmission (... Ceci permet au central de les reemettre; page 25, lines 28-34).

Claim 5, Guy Nathan further discloses wherein the specified information comprises the file extension or the name of the file received (Fig. 6; page 21, lines 4-17);

Claim 6, Guy Nathan further discloses wherein when the specified information represent a song file, the database update step comprises at least one of the following steps: checking the compatibility of the song file with a version of an operating system of the audiovisual data reproduction system (page 23, lines 8-13; page 24, lines 9-page 25, lines 22); updating a file stored on the audiovisual data reproduction system containing the identification of all the song stored on the audiovisual data reproduction system; updating a statistic table in the data base making it possible to determine the selection frequency of the song corresponding to the file stored in memory (page 23, lines 12); updating a purchase table containing the number and name of all the songs purchased for the reproduction system (page

7, lines 7-10; page 22, lines 18-27); "updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold" reads on Nathan's system provides a message to the operator indicating the number of songs could not be downloaded/recorded to the system due to the size/capacity of the storage is not enough and permits the operator to decide to remove of certain song from the selected list or storage so the downloading/recording process (...le system...signale par un affichage...les numeros de chanson ou video qui n'ont pu étre enregistres faute de place. Ceci permet au gérant après avoir décide l'effacement de certaines chansons ou vidéo du disque dur de redemander au central l'envoi de ces chanson ou vidéo ou de la partie non reçue ; page 26, lines 5-8).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
06/10/2005

  
HAI TRAN  
PRIMARY EXAMINER